

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHEVRON CORPORATION, :  
: Plaintiff,  
: :  
-against- : Case No. 11 Civ. 0691 (LAK)  
: :  
STEVEN R. DONZIGER, et al., :  
: Defendants.  
: :  
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**CHEVRON CORPORATION'S APPLICATION FOR LEAVE TO  
PRESENT TESTIMONY BY FOREIGN WITNESSES**

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On August 14, 2013, this Court entered an order directing the parties to file an application for leave to present trial testimony of any “foreign witness who declined to testify at a deposition abroad in a United States Embassy.” Dkt. 1339 at 2; *see also* Dkts. 882, 910. Chevron does not intend to present the testimony of any foreign witnesses who have declined to testify at a deposition, whether at a U.S. embassy or elsewhere. Although not required by the Court’s order, but in an abundance of caution, Chevron hereby notifies the Court and the parties that two of Chevron’s foreign witnesses, Does 3 and 4, may be available for trial testimony and were never noticed for deposition. Chevron agrees to present these foreign witnesses for deposition at a time mutually convenient to the witnesses and Defendants.

**1. Doe 3.** Doe 3’s declaration was filed on May 2, 2013 to supplement the record in connection with Chevron’s then-pending request for an order under Fed. R. Civ. P. 56(g). The existence of Doe 3 was made known to Defendants when Doe 3’s declaration was filed in May.

**2. Doe 4.** Doe 4’s declaration was filed on August 20, 2013 to supplement the record in connection with Chevron’s request for a Fed. R. Civ. P. 56(g) order. The existence of Doe 4 was made known to Defendants when Doe 4’s declaration was filed in August.

Should Defendants wish to depose Does 3 and 4, Chevron is prepared to produce these witnesses before trial provided Defendants agree to the necessary confidentiality and security measures necessary to protect the Does’ identities and safety. This would include measures consistent with the protective orders currently governing these witnesses (or, in the case of Doe 4, the protective order Chevron has moved the Court to enter).

Dated: September 3, 2013

Respectfully submitted,

New York, New York

/s/ Randy M. Mastro \_\_\_\_\_  
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